

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
ABINGDON

CLERKS OFFICE U.S. DIST. COURT
AT ABINGDON, VA
FILED
7/11/2019
JULIA C. DUDLEY, CLERK
BY: LOTTIE LUNSFORD
DEPUTY CLERK

UNITED STATES OF AMERICA, :
:
Plaintiff, :
:
- against - : Civil No. 1:19CV00027
:
\$647,000,000 IN U.S. CURRENCY, :
:
Defendant. :
:

VERIFIED COMPLAINT FOR FORFEITURE

Plaintiff, United States of America, brings this complaint and alleges as follows in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure:

NATURE OF THE ACTION

1. This is a civil forfeiture action against \$647,000,000 in U.S. currency that constitute or are derived from proceeds traceable to violations of 18 U.S.C. §§ 1341, 1343, and 1347, and are therefore subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C).

THE DEFENDANTS IN REM

2. The defendant consists of \$647,000,000 in U.S. Currency in the form of a wire transfer from Reckitt Benckiser Group (“RBG”), to be provided by and seized with the consent of RBG on or before August 10, 2019.

JURISDICTION AND VENUE

4. Plaintiff brings this action *in rem* in its own right to forfeit and condemn the defendant property. This Court has jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345, over an action for forfeiture under 28 U.S.C.

§ 1355(a), and over this particular action under 18 U.S.C. § 981(a)(1)(C).

5. This Court has *in rem* jurisdiction over the defendant property under 28 U.S.C. § 1355(b).
6. Venue is proper in this district pursuant to 28 U.S.C. §1355(b)(1), because acts and omissions giving rise to the forfeiture occurred in this district.

BASIS FOR FORFEITURE

7. The defendant currency is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C) because it constitutes or is derived from proceeds traceable to violations of 18 U.S.C. §§ 1341, 1343, and 1347.

FACTS

8. The forfeiture is based upon the following facts, verified by Special Agent Darren Petri of the United States Food and Drug Administration, Office of Criminal Investigations (“FDA-OCI”):
 - a. On April 9, 2019, a federal grand jury in Abingdon, Virginia, returned a 28-count Indictment that charged Indivior Inc. (a/k/a Reckitt Benckiser Pharmaceuticals Inc.) (“RBP”) and Indivior plc with violating Title 18, United States Code, Sections 1341 (mail fraud), 1343 (wire fraud), 1347 (health care fraud) and 1349 (conspiracy to commit health care fraud). The allegations set forth in the Indictment are incorporated in this complaint by reference.
 - b. RBP was a Delaware corporation headquartered in Richmond, Virginia, that marketed and distributed prescription drugs containing buprenorphine, an

opioid controlled substance, under brand names including Suboxone and Subutex.¹ Until on or about December 23, 2014, RBP was a wholly owned subsidiary of RBG.

- c. From approximately January 1, 2010, to approximately November 30, 2014, proceeds from the sale of Suboxone and Subutex were deposited and flowed into various RBP checking accounts, including an account at JP Morgan Chase. The JP Morgan Chase account served to aggregate the receipts of all products sold in the United States by RBP, including Suboxone.
- d. From 2006 to 2014, RBP's U.S. Net Revenue was approximately \$6.2 billion. Of this, more than approximately \$530 million was derived from cash purchases of Suboxone and Subutex filled at pharmacies. Federal and state health care programs were among the purchasers of Suboxone and paid for Suboxone prescriptions filled at pharmacies, including pharmacies in the Western District of Virginia. The pharmacies received the monies via mail and/or wire. The pharmacies who filled the prescriptions paid by (1) cash or (2) federal and state health care programs then paid the wholesalers for their supplies of Suboxone via mail and/or wire. The wholesalers paid RBP via wire payments.
- e. From 2010 to 2014, RBP transferred approximately \$3.7 billion to RBG-controlled accounts at JP Morgan Chase in the U.S. and the United Kingdom. On or before August 10, 2019, RBG will wire \$647 million to an account

¹Subutex was discontinued in 2011.

controlled by the United States Marshal's Service.

f. From 2006 to 2014, RBP's U.S. Net Revenue from unlawful promotion of Suboxone and Subutex was not less than \$1.4 billion.

9. To the extent it is necessary to do so, Plaintiff intends to rely on the provisions of 18 U.S.C. § 984 to establish that the defendant property is the property involved in the violation of 31 U.S.C. § 5324(a)(1) and (3) described in paragraph 8.

WHEREFORE, the plaintiff prays that:

1. All persons who reasonably appear to be potential claimants with interests in the defendant property be cited to appear herein and answer the complaint;
2. That the defendant property be forfeited and condemned to the United States of America for disposition according to law; and
3. That the plaintiff have such other and further relief as this Court deems proper and just.

Dated: July 11, 2019

Respectfully submitted,

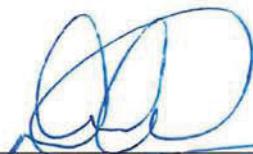
DANIEL P. BUBAR
Attorney for the United States, Acting Under
Authority Conferred by 28 U.S.C. § 515

Randy Ramseyer

Randy Ramseyer
Assistant United States Attorney
Krista Frith
Assistant United States Attorney

VERIFICATION

I, Darren Petri, declare under penalty of perjury as provided by 28 U.S.C. § 1746, that the foregoing Complaint for Forfeiture *in rem* is true and correct to the best of my knowledge and belief.



Darren Petri
Special Agent, FDA-OCI

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS United States of America		DEFENDANTS \$647,000,000 in U.S. Currency	
(b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES)		County of Residence of First Listed Defendant <i>(IN U.S. PLAINTIFF CASES ONLY)</i>	
		Not Applicable	
		NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.	
(c) Attorneys (Firm Name, Address, and Telephone Number) Randy Ramseyer, U.S. Attorney's Office, 276.628.4161 Krista Frith, U.S. Attorney's Office, 540.857.2250		Attorneys (If Known) Howard Shapiro, Wilmer Cutler Pickering Hale & Dorr, 1875 Pennsylvania Avenue, Washington, DC 20006, 202.663.6606	
II. BASIS OF JURISDICTION (Place an "X" in One Box Only)		III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)	
<input checked="" type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)	Citizen of This State	<input type="checkbox"/> 1 <input type="checkbox"/> 1 Incorporated or Principal Place of Business In This State
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	Citizen of Another State	<input type="checkbox"/> 2 <input type="checkbox"/> 2 Incorporated and Principal Place of Business In Another State
		Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input type="checkbox"/> 3 Foreign Nation
IV. NATURE OF SUIT (Place an "X" in One Box Only)		Click here for: Nature of Suit Code Descriptions.	
CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input checked="" type="checkbox"/> 690 Other
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	PROPERTY RIGHTS
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation
			SOCIAL SECURITY
			<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWV (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
			FEDERAL TAX SUITS
			<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
V. ORIGIN (Place an "X" in One Box Only)			
<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened
			<input type="checkbox"/> 5 Transferred from Another District (specify)
			<input type="checkbox"/> 6 Multidistrict Litigation - Transfer
			<input type="checkbox"/> 8 Multidistrict Litigation - Direct File
VI. CAUSE OF ACTION		Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 18 U.S.C. 981(a)(1)(C)	
		Brief description of cause: Forfeiture of Proceeds of A Crime	
VII. REQUESTED IN COMPLAINT:		<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.	DEMAND \$
VIII. RELATED CASE(S) IF ANY		CHECK YES only if demanded in complaint: JURY DEMAND: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
DATE 07/11/2019	SIGNATURE OF ATTORNEY OF RECORD <i>Theresa J. P. J. P. M. S.</i>		
FOR OFFICE USE ONLY			

RECEIPT # AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE